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Attorney for CHRISTINE BRECKENRIDGE

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHRISTINE BRECKENRIDGE,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,  
Defendant

No. 2:20-cv-1915 DB

STIPULATION AND ORDER FOR  
PAYMENT OF PLAINTIFF'S ATTORNEY  
FEES

To the honorable DEBORAH BARNES, it is hereby stipulated by and between the parties through their undersigned counsel, subject to the approval of the Court, that CHRISTINE BRECKENRIDGE be awarded attorney fees and expenses in the amount of \$7400.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to CHRISTINE BRECKENRIDGE, the government will consider the matter of assignment of EAJA fees to PETER BRIKIE. The retainer agreement containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to CHRISTINE BRECKENRIDGE, but if the Department of the Treasury determines that CHRISTINE BRECKENRIDGE does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to

PETER BRIXIE pursuant to the assignment executed by CHRISTINE BRECKENRIDGE Any payments made shall be delivered to PETER BRIXIE

This stipulation constitutes a compromise settlement of CHRISTINE BRECKENRIDGE vs. COMMISSIONER OF SOCIAL SECURITY request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that CHRISTINE BRECKENRIDGE may have relating to EAJA attorney fees in connection with this action. This award is without prejudice to the rights of PETER BRIXIE to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: March 30, 2022

By: /s/ Peter Brixie  
PETER E. BRIXIE  
Attorney at Law  
Attorney for Plaintiff

Dated: March 30, 2022

/s/Marcelo Illarmo  
MARCELO ILLARMO  
Special Assistant United States Attorney  
Attorneys for Defendant

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ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

DATED: April 1, 2022

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE